

TO: **Mail Stop 8**
Director of the U.S. Patent & Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

REPORT ON THE
FILING OR DETERMINATION OF AN
ACTION REGARDING A PATENT OR
TRADEMARK

In Compliance with 35 § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been filed in the U.S. District Court Northern District of California on the following Patents or Trademarks:

DOCKET NO. CV 12-00067 DMR	DATE FILED 1/5/2012	U.S. DISTRICT COURT 1301 Clay Street, Suite 400S, Oakland, CA 94612
PLAINTIFF ROBERT BOSCH HEALTHCARE SYSTEMS, INC.	DEFENDANT WALDO NETWORKS, INC	
HOLDER OF PATENT OR TRADEMARK		
¹ 5,997,476		*See attached complaint
² 6,334,778		
³ 6,368,273		
⁴ 6,968,375		
⁵ 7,223,236		

In the above—entitled case, the following patent(s) have been included:

DATE INCLUDED	INCLUDED BY <input type="checkbox"/> Amendment <input type="checkbox"/> Answer <input type="checkbox"/> Cross Bill <input type="checkbox"/> Other Pleading
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK
1	
2	
3	
4	
5	

In the above—entitled case, the following decision has been rendered or judgement issued:

DECISION/JUDGEMENT

CLERK Richard W. Wicking	(BY) DEPUTY CLERK Valerie Kyono	DATE January 6, 2012
-----------------------------	------------------------------------	-------------------------

Copy 1—Upon initiation of action, mail this copy to Commissioner Copy 3—Upon termination of action, mail this copy to Commissioner
 Copy 2—Upon filing document adding patent(s), mail this copy to Commissioner Copy 4—Case file copy

ADR

E-FILING

ORIGINAL FILED

JUL 01 2012

Richard A. Martinez
Clerk, U.S. District Court
Northern District of California
San Jose

1 DORSEY & WHITNEY LLP
2 Patricia A. Welch (#127889)
3 Email: welch.patricia@dorsey.com
305 Lytton Avenue
3 Palo Alto, CA 94301
3 Telephone: (650) 857-1717
4 Facsimile: (650) 857-1288
5 Devan V. Padmanabhan (to be admitted *Pro Hac Vice*)
6 Email: padmanabhan.devan@dorsey.com
7 Paul J. Robbennolt (to be admitted *Pro Hac Vice*)
8 Email: robbennolt.paul@dorsey.com
9 50 South Sixth Street, Suite 1500,
10 Minneapolis, MN 55402-1498
11 Telephone: (612) 340-2600
12 Facsimile: (612) 340-8856
13
14 Attorneys for Plaintiff
15 Robert Bosch Healthcare Systems,
16 Inc.

UNITED STATES DISTRICT COURT
THE NORTHERN DISTRICT OF CALIFORNIA

DMR

14 Robert Bosch Healthcare Systems, Inc.) CASE NO.: CV 12-00067
15)
16 Plaintiff,)
17 v.) COMPLAINT
18 Waldo Networks, Inc.)
19 Defendant.)
20)
21)
22)
23)
24)
25)
26)
27)
28)

Plaintiff Robert Bosch Healthcare Systems, Inc. ("Bosch"), for its Complaint against Defendant Waldo Networks, Inc. ("Waldo"), states and alleges as follows:

PARTIES

1. Bosch is a Michigan corporation with its principal place of business at 2400 Geng Road, Suite 200, Palo Alto, California, 94303.

2. Waldo is, on information and belief, a Delaware corporation with its principal place of

1 business at 4505 Spicewood Springs Road, Suite 333, Austin, Texas, 78759.

2 **JURISDICTION AND VENUE**

3 3. This is an action for patent infringement arising under the patent laws of the United States,
4 Title 35 of the United States Code. This Court has subject matter jurisdiction over this action pursuant to
5 28 U.S.C. §§ 1331 and 1338(a). Venue in this district is proper pursuant to 28 U.S.C. §§ 1391(b) and
6 1400(b).

7 **INTRADISTRICT ASSIGNMENT**

8 4. This action arises in the County of Santa Clara, because a substantial part of the events or
9 omissions which give rise to the claim occurred in that county, in that Bosch's principal place of business
10 is in Santa Clara County.

11 **FACTUAL BACKGROUND**

12 **The Patents-in-Suit**

13 5. On December 7, 1999, the United States Patent Office awarded to Stephen J. Brown U.S. Patent
14 No. 5,997,476 ("the '476 Patent"), entitled "Networked System for Interactive Communication and
15 Remote Monitoring of Individuals," directed to a remote health monitoring system. A true and correct
16 copy of the '476 Patent is attached hereto as Exhibit A.

17 6. On January 1, 2002, the United States Patent Office awarded to Stephen J. Brown U.S. Patent
18 No. 6,334,778 B1 ("the '778 Patent"), entitled "Remote Psychological Diagnosis and Monitoring
19 System," directed to a system for remote assessment of a patient's psychological condition. A true and
20 correct copy of the '778 Patent is attached hereto as Exhibit B.

21 7. On April 9, 2002, the United States Patent Office awarded to Stephen J. Brown U.S. Patent
22 No. 6,368,273 B1 ("the '273 Patent"), entitled "Networked System for Interactive Communication and
23 Remote Monitoring of Individuals," directed to a remote health monitoring system. A true and correct
24 copy of the '273 Patent is attached hereto as Exhibit C.

25 8. On November 22, 2005, the United States Patent Office awarded to Stephen J. Brown U.S. Patent
26 No. 6,968,375 B1 ("the '375 Patent"), entitled "Networked System for Interactive Communication
27 and Remote Monitoring of Individuals," directed to a remote health monitoring system. A true and
28 correct copy of the '375 Patent is attached hereto as Exhibit D.

9. On May 29, 2007, the United States Patent Office awarded to Stephen J. Brown U.S. Patent No. 7,223,236 B2 ("the '236 Patent"), entitled "System and Method for Monitoring User-Related Data From a Person," directed to a remote physiological data monitoring system. A true and correct copy of the '236 Patent is attached hereto as Exhibit E.

10. Bosch is the owner by assignment of each of the Patents-in-Suit.

Waldo's Infringing System

11. On information and belief, Waldo makes, sells, offers for sale, and/or uses in the United States a remote health monitoring system it calls the "Waldo Health Management System."

12. The Waldo Health Management System meets all of the limitations of one or more of the claims of the Patents-in-Suit. The Waldo Health Management System therefore infringes the Patents-in-Suit.

13. The Waldo Health Management System includes as a component a "Waldo Home Monitor."

14. The Waldo Home Monitor is an interactive remote device designed for use by patients in their homes to monitor vital signs and health information and transfer that information to care providers.

15. The Waldo Home Monitor devices are managed remotely by a set of computer servers.

16. The Waldo Home Monitor supports connectivity through WiFi, Ethernet, 3G, WiMax, and POTS.

17. The Waldo Home Monitor includes a "Checkup" module that interfaces with a multitude of mobile and home based monitoring devices such as blood glucose meters, blood pressure monitors, blood oxygen sensors, scales, and others to monitor, store, retrieve, and regularly report health information to patients and care providers.

18. The Waldo Home Monitor includes a "How Are You" module that provides a survey that asks the patient questions that health care providers list as important for the ongoing care of the patient.

19. The "How Are You" module allows care providers to have access to a patient's self-assessed mental and physical states.

20. The questions in the "How Are You" module survey may be changed as needed to support changing health conditions.

21. The content of the “How Are You” module may be customized and extended.
22. The Waldo Home Monitor also includes a “Learn More” module that provides information to patients.

23. The "Learn More" module guides the patient through symptom tracking to understand what possible medical conditions might be present.

24. The "Learn More" module provides additional information to patients, including diets, informational videos, health fact sheets, and treatment regimens.

25. The Home Health Monitor can directly support two way voice and video conferencing between the patient and care providers.

26. Another component of the Waldo Health Management System is the "Waldo Health Patient Management System."

27. The Waldo Health Patient Management System allows care providers to review the health status and history of patients via an Internet website.

28. Patient information that is collected by a Waldo Home Monitor is stored on databases and accessible to care givers via the Waldo Health Patient Management System.

Waldo's Knowledge of the Patents-in-Suit

29. Bosch has informed Waldo of the Patents-in-Suit and Waldo's infringement of those patents.

30. Waldo's infringement of the Patents-in-Suit is willful and deliberate.

COUNT I—INFRINGEMENT OF THE '476 PATENT

31. Bosch reasserts and incorporates herein by reference the allegations set forth in paragraphs 1-30 as though fully set forth herein.

32. Waldo has infringed one or more claims of the '476 Patent, either literally or under the doctrine of equivalents, by making, selling, offering to sell, and/or operating its "Waldo Health Management System" in the United States.

33. Waldo's infringement of the '476 Patent has been willful and deliberate and will continue unless enjoined by the Court.

34. Bosch has been damaged by Waldo's infringing activities and will be injured irreparably

1 unless such activities are enjoined by this Court.

2 **COUNT II—INFRINGEMENT OF THE '778 PATENT**

3 35. Bosch reasserts and incorporates herein by reference the allegations set forth in paragraphs
4 1-34 as though fully set forth herein.

5 36. Waldo has infringed one or more claims of the '778 Patent, either literally or under the
6 doctrine of equivalents, by making, selling, offering to sell, and/or operating its "Waldo Health
7 Management System" in the United States.

8 37. Waldo's infringement of the '778 Patent has been willful and deliberate and will continue
9 unless enjoined by the Court.

10 38. Bosch has been damaged by Waldo's infringing activities and will be injured irreparably
11 unless such activities are enjoined by this Court.

12 **COUNT III—INFRINGEMENT OF THE '273 PATENT**

13 39. Bosch reasserts and incorporates herein by reference the allegations set forth in paragraphs
14 1-38 as though fully set forth herein.

15 40. Waldo has infringed one or more claims of the '273 Patent, either literally or under the
16 doctrine of equivalents, by making, selling, offering to sell, and/or operating its "Waldo Health
17 Management System" in the United States.

18 41. Waldo's infringement of the '273 Patent has been willful and deliberate and will continue
19 unless enjoined by the Court.

20 42. Bosch has been damaged by Waldo's infringing activities and will be injured irreparably
21 unless such activities are enjoined by this Court.

22 **COUNT IV—INFRINGEMENT OF THE '375 PATENT**

23 43. Bosch reasserts and incorporates herein by reference the allegations set forth in paragraphs
24 1-42 as though fully set forth herein.

25 44. Waldo has infringed one or more claims of the '375 Patent, either literally or under the
26 doctrine of equivalents, by making, selling, offering to sell, and/or operating its "Waldo Health
27 Management System" in the United States.

28 45. Waldo's infringement of the '375 Patent has been willful and deliberate and will continue

unless enjoined by the Court.

46. Bosch has been damaged by Waldo's infringing activities and will be injured irreparably unless such activities are enjoined by this Court.

COUNT V—INFRINGEMENT OF THE '236 PATENT

47. Bosch reasserts and incorporates herein by reference the allegations set forth in paragraphs 1-46 as though fully set forth herein.

48. Waldo has infringed one or more claims of the '236 Patent, either literally or under the doctrine of equivalents, by making, selling, offering to sell, and/or operating its "Waldo Health Management System" in the United States.

49. Waldo's infringement of the '236 Patent has been willful and deliberate and will continue unless enjoined by the Court.

50. Bosch has been damaged by Waldo's infringing activities and will be injured irreparably unless such activities are enjoined by this Court.

RELIEF REQUESTED

WHEREFORE, Plaintiff Robert Bosch Healthcare Systems, Inc. respectfully prays for a judgment:

a. Enjoining permanently Waldo Networks, Inc. from making, using, selling, or offering to sell its infringing system in the United States;

b. Awarding damages against Waldo Networks, Inc. for its infringing activities;

c. Awarding Bosch treble patent infringement damages, attorneys' fees, costs and expenses in this action pursuant to 35 U.S.C. §§ 284 and 285 because Waldo's infringing activities have been willful and deliberate and this is an exceptional case;

d. Awarding pre- and post-judgment interest as provided by law; and

e. Awarding such other relief as is deemed just and equitable.

33

333

111

M

JURY DEMAND

Plaintiff hereby demands a trial by jury with respect to all counts.

DATED: January 4, 2012

DORSEY & WHITNEY LLP

By: *P. A. Welch*
PATRICIA A. WELCH
Attorneys for Plaintiff Robert Bosch Healthcare
Systems, Inc.